

REMARKS

In the above amendment, Applicant has cancelled claims 53-111 with prejudice, which were withdrawn from the Examiner's consideration. Applicant has also cancelled claims 36 and 112. Therefore, claims 35, 37, 38, 40-45 47-49 and 113 are currently pending.

CLAIM REJECTIONS – 35 USC 103

Claims 35-36, 38, 41-44, 47-48, 51 and 112-113 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rueda in view of Kupiec.

In the above amendment, Applicant has incorporated the limitations of claim 36 into claim 35. In rejecting claim 36, the Examiner determined that Rueda teaches the speech recognition operation performed in view of a purpose for use of the device by the user. The Examiner specifically found that Rueda discloses a language translation, which is a purpose of using the device. In incorporating claim 36 into claim 37, Applicant has left out "purpose of using the device" from the alternatives. Therefore, claim 35 as amended now recites a limitation that the speech recognition processor performs speech recognition in view of at least one of a physical state of the user and an operating condition of the prosthetic hearing device.

It is believed that there is nothing in any of the cited references that discloses or teaches the limitation that the speech recognition processor performs speech recognition in view of at least one of a physical state of the user and an operating condition of the prosthetic hearing device. As discussed on page 8 of the substitute specification, the 'user's physical state' might be, for example, the severity of the user's hearing impairment or speech disorder. The 'operating conditions' refers, for instance, to the environment in which the prosthetic hearing device is being used (indoors or outdoors, noisy environment, etc.). Therefore, claim 35 as incorporated with claim 36 should be allowable over the cited references. Since claim 35 should be allowable, its dependent claims should also be allowable. Since claim 113 recites a similar limitation, claim 113 should also be allowable.

Application No. 09/673,360

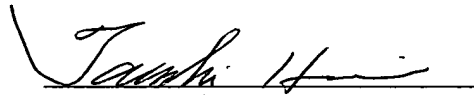
Amendment dated May 19, 2006

Response to Non-Final Office Action dated December 12, 2005

SUMMARY

Pending claims 35, 37, 38, 40-45, 47-49, 51, and 113 are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tadashi Horie", is written over a horizontal line.

Tadashi Horie

Registration No. 40,437

Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200